

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERC United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,313	12/04/2003	John Carlucci	CARL-001	2212
7590 10/21/2004		EXAMINER		
Arthur M. Peslak, Esq.			DONNELLY, JEROME W	
MANDEL & PI				
Suite 5	•		ART UNIT	PAPER NUMBER
80 Scenic Drive			3764	
Freehold, NJ (07728		D. III	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			411				
	Application No.	Applicant(s)					
	10/730,313	CARLUCCIE	ET AL.				
Office Action Summary	Examiner	Art Unit					
	Jerome W Donnelly	3764					
The MAILING DATE of this communication ap	opears on the cover s	heet with the correspondent	ce address				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPI	LV IO OET TO EVEN	3 MONTH (0) 500M					
A SHORTENED STATUTORY PERIOD FOR REPI THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the maili earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, howeve ply within the statutory minim d will apply and will expire SIX ite, cause the application to be	r, may a reply be timely filed um of thirty (30) days will be considered (6) MONTHS from the mailing date of ecome ABANDONED (35 U.S.C. § 13	d timely. this communication.				
Status	_ ,						
1) Responsive to communication(s) filed on	 •						
2a) This action is FINAL . 2b) ⊠ Th	is action is non-final.						
3) Since this application is in condition for allow	•		o the merits is				
closed in accordance with the practice under	Ex parte Quayle, 19	35 C.D. 11, 453 O.G. 213.					
Disposition of Claims							
4) Claim(s) is/are pending in the applicat	ion.						
4a) Of the above claim(s) is/are withdra		on.					
5) Claim(s)is/are allowed.		•					
6) Claim(s) / is/are rejected.		•					
,	7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/	or election requireme	ent.	•				
Application Papers							
9)☐ The specification is objected to by the Examin	ner.						
10)☐ The drawing(s) filed on is/are: a)☐ ac							
Applicant may not request that any objection to the	- ,	-					
Replacement drawing sheet(s) including the corre							
The path of declaration is objected to by the E	Examiner. Note the a	ttached Office Action of for	111710-132.				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreig	ın priority under 35 U	.S.C. § 119(a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:	-4- b b	ا. ـ					
1. Certified copies of the priority documer2. Certified copies of the priority documer							
2. Certified copies of the priority documer3. Copies of the certified copies of the pri							
application from the International Bure			3 -				
* See the attached detailed Office action for a lis							
•		.					
	/ I\/	royte W. Donnelly Timary Examiner					
Attachment(s)	/) _	•					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		erview Summary (PTO-413) per No(s)/Mail Date	•				
Notice of Draitsperson's Patent Drawing Review (PTO-946) Notice of Draitsperson's Patent Drawing Review (PTO-946) Paper No(s)/Mail Date	8) 5) 🔲 No	otice of Informal Patent Application	n (PTO-152)				

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen.

Chen discloses a device comprising a platform (11) Legs (20) a rotating handle which is adapted to be slidably positioned (at element 18), said device being rotatable to a series of positions and locked in place by element 35.

Claim 3 fails to further add any limiting feature to the device and or structure to achieve such a function.

Conner discloses the inventions of 1-7 as claim absent the feature of the platform comprising padding.

To include padding on a user occupied platform is obvious.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the overall structure of the device of Winkelvoss Reynolds and Schatz et al.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (703) 308-2668.

Jerome W. Donnelly Primary Examiner